

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CHRIS E. MALING, *et al.*,

Plaintiffs,

v.

Case No. 12-cv-10639-RGS/JGD

FINNEGAN, HENDERSON, FARABOW,  
GARRETT, DUNNER, LLP, *et al.*,

Defendants.

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**DEFENDANTS' ASSENTED-TO MOTION FOR LEAVE TO FILE REPLY BRIEF IN  
SUPPORT OF MOTION TO DISMISS COMPLAINT**

Defendants Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Lawrence R. Robins, Eric P. Raciti, and Matthew R. Van Eman (collectively "Finnegan") hereby move for leave to file a 5-page reply brief in support of their motion to dismiss the Complaint. In support of this motion, Finnegan states as follows.

1. This is a purported legal malpractice case, arising out of work done by Finnegan in procuring patents for an eyeglass design.
2. Finnegan moved to dismiss the plaintiffs' Complaint pursuant to Rule 12(b)(6) on September 19, 2012. Plaintiffs' memorandum in opposition was filed on October 30, 2012.<sup>1</sup>
3. Finnegan seeks leave to file a short reply brief of five pages or less in support of the motion to dismiss. Finnegan asserts that a reply brief is necessary to address plaintiffs' erroneous characterization of both the substance of the Complaint and defendants' arguments for dismissal, and to address a new argument raised by plaintiffs in a misguided effort to save their Chapter 93A claim.

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<sup>1</sup> Finnegan also moved to dismiss the Complaint with respect to two individual defendants, Ernest Chapman and Arthur Garrett, pursuant to Rule 12(b)(2). The plaintiffs have not opposed the dismissal of these two defendants.

WHEREFORE, defendants respectfully request that the Court grant them leave to file a 5-page reply brief in support of their motion to dismiss the Complaint.

Dated: November 2, 2012

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP, LAWRENCE R.  
ROBINS, ERIC P. RACITI, and MATTHEW R.  
VAN EMAN,  
By their attorneys,

/s/ Erin K. Higgins  
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Assented-to:

CHRIS E. MALING AND  
THE FORMULA, LLC

By their attorney,

/s/ Hans R. Hailey

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Certificate of Service

I hereby certify that this document filed through the ECF system will be served electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by mail to any nonregistered party on the 2<sup>nd</sup> day of November, 2012.

/s/ Jan M. Kendrick

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